

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSEPH F. JILES,

Plaintiff,

v.

Case No. 24-cv-363-pp

TORRIA M. VAN BUREN,

Defendant.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR FAILURE TO PAY
INITIAL PARTIAL FILING FEE AND FAILURE TO COMPLY WITH COURT
ORDER**

On March 28, 2024, the court ordered that by the end of the day on April 18, 2024, plaintiff Joseph F. Jiles must either pay an initial partial filing fee of \$38.54 or explain why he could not do so. Dkt. No. 5. The court advised the plaintiff that if it “[did] not receive either the \$38.54 or a letter asking for more time to pay it by the end of the day on April 18, 2024, the court [would] dismiss the lawsuit without prejudice and the plaintiff will still owe the \$350 filing fee.” Id. at 4 (emphasis omitted).

On April 17, 2024, the court granted the plaintiff’s motion for an extension of the deadline by which to pay the initial partial filing fee. Dkt. No. 8. The court observed that the plaintiff had “give[n] no reason why he needs this extra time,” but nonetheless granted his request and extended his deadline to pay the \$38.54 initial partial filing fee to May 9, 2024. Id. The court advised the plaintiff

that it “[would] not grant the plaintiff another extension of time unless he provide[d] good cause for one.” Id.

The May 9, 2024 deadline has passed, and the court has not received the initial partial filing fee or an explanation from the plaintiff for why he has not paid it. The Wisconsin Department of Corrections locator site shows that the plaintiff remains incarcerated at Waupun Correctional Institution; that is where the court sent its April 17, 2024 order and that order has not been returned to the court as undeliverable, so the court has no reason to believe that the plaintiff did not receive that order. The court will enforce its March 28, 2024 order and will dismiss this case without prejudice for the plaintiff’s failure to pay the initial partial filing fee and failure to comply with the court’s order. The plaintiff remains obligated to pay the entire \$350 filing fee.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**. The clerk will enter judgment accordingly.

The court **ORDERS** that under 28 U.S.C. §1915(b)(1), the plaintiff is required to pay the mandatory \$350 statutory filing fee. The court **ORDERS** that the agency that has custody of the plaintiff must collect from his institution trust account the **\$350** filing fee by collecting monthly payments from the plaintiff’s prison trust account in an amount equal to 20% of the preceding month’s income credited to the plaintiff’s trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If the

plaintiff transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with the plaintiff's remaining balance, to the receiving institution.

The court will send a copy of this order to Waupun Correctional Institution, where the plaintiff is confined.

Dated in Milwaukee, Wisconsin this 28th day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge